

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ALEXANDER,)	
)	
Plaintiff,)	Case No. 1:22-cv-338
v.)	
)	
ACCEPTANCE NOW, et al.)	
)	
Defendants.)	

MEMORANDUM ORDER

The within *pro se* civil action was initiated in the Court of Common Pleas of Erie County, Pennsylvania by Plaintiff Michael F. Alexander against thirteen Defendants for alleged violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C 1681, *et seq.*, the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692, *et seq.*, and the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C., §1691. The matter was removed to this Court on November 4, 2022 and referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

Pending before the Court is a motion to dismiss for failure to prosecute filed by Defendants Capital One and Capital One Auto Finance (collectively, the “Capital One Defendants”). *See* ECF No. 96. On October 1, 2024, Judge Lanzillo issued a report and recommendation (“R&R”) in which he opined that the pending motion to dismiss should be granted. ECF No. 106. After considering the various factors laid out in *Poulis v. State Farm Fire & Casualty Company*, 747 F.2d 863 (3d Cir. 1984), Judge Lanzillo concluded that, on balance, the relevant factors weighed in favor of dismissal as a punitive sanction.

Objections to the R&R were due on or before October 18, 2024. To date, no objections have been received.

Accordingly, after *de novo* review of the operative pleading and documents in the case, including the Capital One Defendants' pending motion and the Chief Magistrate Judge's Report and Recommendation,

IT IS ORDERED, this 30th day of October, 2024, that the motion to dismiss for failure to prosecute filed by Defendants Capital One and Capital One Auto Finance, ECF No. [96], is GRANTED and, accordingly, all claims in this case against these Moving Defendants shall be, and hereby are, DISMISSED with prejudice.

IT IS FURTHER ORDERED that the Report and Recommendation of the Chief United States Magistrate Judge Richard A. Lanzillo, issued on October 1, 2024, ECF No. [106], is adopted as the Opinion of this Court.



Susan Paradise Baxter
United States District Judge